

MAR 24 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA OLIMPIA MALDONADO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 06-74523

Agency No. A97-735-901

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 18, 2008<sup>\*\*</sup>

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Maria Olimpia Maldonado, a native and citizen of Honduras, petitions for review of the Board of Immigration Appeals' ("BIA") order summarily affirming an immigration judge's ("IJ") decision denying her application for asylum,

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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withholding of removal, and relief under the Convention Against Torture (“CAT”). Our jurisdiction is governed by 8 U.S.C. § 1252. We review for substantial evidence, *INS v. Elias-Zacarias*, 502 U.S. 478, 481 & n.1 (1992), and we deny in part, and dismiss in part, the petition for review.

Maldonado does not raise in her opening brief, and thereby has waived, any challenge to the IJ’s denial of her asylum claim. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

We lack jurisdiction to consider Maldonado’s withholding of removal and CAT claims because she failed to raise these claims before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (9th Cir. 2004).

Maldonado’s due process contention that the IJ failed to consider the State Department Country Report is belied by the record. Further, Maldonado’s contention that the BIA’s summary affirmance violated due process is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 849-52 (9th Cir. 2003).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**